

Exhibit 89

Redacted Public Version

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,

Plaintiff,

vs.

Case No. 22-CV-983 (VEC)

STOCKX, LLC,

Defendant.

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The Videotaped Deposition of RUSSELL AMIDON,
Taken at 28 West Adams Avenue, Suite 1500,
Detroit, Michigan,
Commencing at 10:06 a.m.,
Wednesday, November 30, 2022,
Before Stenographic Shorthand Reporter,
Lori Ann Baldwin, CSR-5207, RPR, CRR.

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<p style="text-align: right;">Page 6</p> <p>1 Detroit, Michigan</p> <p>2 Wednesday, November 30, 2022</p> <p>3 10:06 a.m.</p> <p>4</p> <p>5 VIDEO TECHNICIAN: We are on the record at</p> <p>6 10:06 on November 30th, 2022. This is the video</p> <p>7 recorded deposition of Russ Amidon in the matter of</p> <p>8 Nike versus StockX filed in the Southern District of</p> <p>9 New York, case 22-cv-00983.</p> <p>10 We are located at 28 West Adams Avenue,</p> <p>11 Detroit, Michigan. My name is Justin Dloski from</p> <p>12 Veritext.</p> <p>13 Counsel may now introduce themselves for</p> <p>14 the record then the reporter will swear in the</p> <p>15 witness.</p> <p>16 MS. DUVDEVANI: Tamar Duvdevani, DLA Piper</p> <p>17 on behalf of Nike, Inc.</p> <p>18 MS. VELKES: Gabrielle Velkes, DLA Piper on</p> <p>19 behalf of Nike, Inc.</p> <p>20 MR. FORD: Christopher Ford, Debevoise &</p> <p>21 Plimpton, on behalf of StockX. I'm going by my</p> <p>22 colleagues, Megan Bannigan and Catherine Walsh, also</p> <p>23 from Debevoise, as well as Stock house -- StockX's</p> <p>24 in-house counsel, Laura Lewis and Shannon Egan.</p> <p>25 RUSSELL AMIDON,</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Oh, yeah. Yeah. A few hundred.</p> <p>2 Q. A few hundred. Okay. Since you've never been deposed</p> <p>3 before, let me give you some ground rules, although</p> <p>4 I'm sure that your counsel filled you in.</p> <p>5 For the sake of the transcript and the</p> <p>6 court reporter, let's try not to talk over each other.</p> <p>7 I will try not to interrupt you. You try not to</p> <p>8 interrupt me.</p> <p>9 To the extent a question is pending, I</p> <p>10 would not take a break until the answer is provided,</p> <p>11 however, today is your day, so if you do need to take</p> <p>12 a break, just say so and we can go ahead and take</p> <p>13 however many breaks you want, even though we want to</p> <p>14 get out of here relatively early today.</p> <p>15 Did you meet with your counsel before</p> <p>16 coming here to prepare for today's deposition?</p> <p>17 A. Yes.</p> <p>18 Q. How many times?</p> <p>19 A. Two times.</p> <p>20 Q. When was that?</p> <p>21 A. One yesterday and one last week.</p> <p>22 Q. Okay. Back to -- one other thing. You might hear</p> <p>23 your lawyer say "objection" or "objection to form."</p> <p>24 That doesn't mean that you don't answer the question.</p> <p>25 The only time you should not answer the question is if</p>
<p style="text-align: right;">Page 7</p> <p>1 Was thereupon called as a witness herein, and after</p> <p>2 having first been duly sworn to testify to the truth,</p> <p>3 the whole truth and nothing but the truth, was</p> <p>4 examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MS. DUVDEVANI:</p> <p>7 Q. Okay. All right. Good morning, Mr. Amidon.</p> <p>8 A. Good morning.</p> <p>9 Q. As you've just heard, my name is Tamar Duvdevani. I'm</p> <p>10 counsel for Nike, Inc.</p> <p>11 Have you ever been deposed before?</p> <p>12 A. I have not.</p> <p>13 Q. When did you begin working at StockX?</p> <p>14 A. In March 2016.</p> <p>15 Q. And what was your title when you began working at</p> <p>16 StockX in March 2016?</p> <p>17 A. I was our Director of Customer Experience.</p> <p>18 Q. Okay. What does that job entail?</p> <p>19 A. At that time, it was strictly our Customer Service</p> <p>20 Teams. I would respond to any inbound inquiry. So I</p> <p>21 was the only Customer Service team member at the time.</p> <p>22 Q. How many Customer Service team members are there</p> <p>23 today?</p> <p>24 A. I'm not sure.</p> <p>25 Q. More than ten?</p>	<p style="text-align: right;">Page 9</p> <p>1 your counsel tells you not to answer a question based</p> <p>2 on privilege. Got it?</p> <p>3 A. Got it.</p> <p>4 Q. Okay. All right. So 2016, was that when -- did</p> <p>5 you -- did you begin working at StockX when it was</p> <p>6 founded?</p> <p>7 A. I did not.</p> <p>8 Q. Okay. How long had it been in existence at the time</p> <p>9 you began working for the company?</p> <p>10 A. I believe we launched StockX a -- a month or two</p> <p>11 before.</p> <p>12 Q. Okay. Is your title the same today as it was in 2016?</p> <p>13 A. It is not.</p> <p>14 Q. Okay. Can you take me through your employment history</p> <p>15 at StockX?</p> <p>16 A. Sure. From 2016 to 2018, I led our Customer Service</p> <p>17 team, so my title was Director of Customer Experience.</p> <p>18 In 2018, transitioned to Senior Director of</p> <p>19 VIP Relations, and -- from 2018 to 2020. And 2020 to</p> <p>20 present, it is Senior Director of Account Management.</p> <p>21 Q. What were your duties and responsibilities in your</p> <p>22 position as Senior Director of VIP Relations from 2018</p> <p>23 to 2020?</p> <p>24 A. Sure. I had a few different roles, one of which was</p> <p>25 starting to communicate with what we call power buyers</p>

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<p style="text-align: right;">Page 10</p> <p>1 or power sellers, people who bought or sold more than</p> <p>2 our average customer at that time.</p> <p>3 And then I also helped with more of our</p> <p>4 celebrity or VIP customers who were just buying on our</p> <p>5 platform and offered them a -- a contact at the -- at</p> <p>6 the company.</p> <p>7 Q. Anything else?</p> <p>8 A. Not during that time, no.</p> <p>9 Q. And you said you had a new title in 2020 through</p> <p>10 present as Senior Director of Account Management, is</p> <p>11 that right?</p> <p>12 A. Correct. I believe it was 2020, yeah.</p> <p>13 Q. Okay. And what were your -- what are your duties and</p> <p>14 responsibilities in connection with your current</p> <p>15 title?</p> <p>16 A. It's similar to my 2020 -- or my 2018 to 2020 role,</p> <p>17 but without the celebrity VIP account management. So</p> <p>18 it's more my team focuses on power sellers and</p> <p>19 supporting them in their business inventory and so we</p> <p>20 have a global team of about 20 that are account</p> <p>21 managers.</p> <p>22 Q. So that means right now you have approximately 20</p> <p>23 people reporting to you, is that right?</p> <p>24 A. Approximately, yeah.</p> <p>25 Q. Okay. And from 2018 to 2020, did you also have direct</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Sure. So we incentivize our sellers to, if they sell</p> <p>2 more on our platform, we provide fee breaks to them</p> <p>3 because we believe that it's a customer retention</p> <p>4 loyalty program, so we offer them a few different</p> <p>5 things; one is our volume program where the more you,</p> <p>6 essentially, the more you sell, the lower seller fee</p> <p>7 you can receive.</p> <p>8 And two is a rather new bonus within the</p> <p>9 last year-and-a-half where you can receive additional</p> <p>10 fee breaks by behavioral bonuses, so doing things as a</p> <p>11 seller that would benefit the buyer.</p> <p>12 Q. Such as what?</p> <p>13 A. We have two bonuses; one of which is if you fulfill a</p> <p>14 higher percentage of the orders that you were, that</p> <p>15 you committed to selling, so what we call a</p> <p>16 fulfillment bonus, we'll give you a -- a one percent</p> <p>17 break the next month. So that's one of them. So that</p> <p>18 means the more orders you fulfill, that you said you</p> <p>19 would fulfill, the buyers will receive that product,</p> <p>20 so that's the incentive for one bonus.</p> <p>21 The second bonus is a ship speed bonus, so</p> <p>22 from the moment your sale was made, we want you to</p> <p>23 ship it as quickly as possible so the buyer will</p> <p>24 receive the item as quickly as possible, so we measure</p> <p>25 how quickly they ship their items in a month and the</p>
<p style="text-align: right;">Page 11</p> <p>1 reports?</p> <p>2 A. I had only a couple, maybe one to three at the time.</p> <p>3 Q. Okay. How come you no longer handle celebrity account</p> <p>4 management in your new title?</p> <p>5 A. It moved back to marketing and to have a more</p> <p>6 specialized role as we -- as we scaled.</p> <p>7 Q. What does that mean?</p> <p>8 A. It just means I didn't also do -- I don't do that</p> <p>9 anymore, and so my focus is more on just sellers and</p> <p>10 not any longer supporting a VIP customer.</p> <p>11 Q. Sellers, or buyers as well?</p> <p>12 A. Today, it's just sellers. Just sellers today.</p> <p>13 Q. And when was it sellers and buyers?</p> <p>14 A. From 2018 to -- 2018 to -- to -- 2018 to present as in</p> <p>15 there is a few buyers that we maybe still talk to, but</p> <p>16 not -- it's very much focused on sellers.</p> <p>17 Q. Why is that?</p> <p>18 A. We -- as we have scaled, we started to provide more</p> <p>19 incentives and more tooling to sellers and buyers</p> <p>20 are -- we really don't have a lot to offer them in</p> <p>21 terms of incentives or discounts. So there wasn't a</p> <p>22 whole lot we could -- we could do for them from a</p> <p>23 account management perspective.</p> <p>24 Q. Okay. Can you explain to me in as much detail as</p> <p>25 possible what you mean by "incentives" to sellers?</p>	<p style="text-align: right;">Page 13</p> <p>1 following month, if they hit that target, we will give</p> <p>2 you an additional one percent off your -- your seller</p> <p>3 fee.</p> <p>4 Q. Okay. So fair to say that sellers are incentivized to</p> <p>5 sell as much as possible on the StockX platform, is</p> <p>6 that fair?</p> <p>7 MR. FORD: Objection to the form.</p> <p>8 A. I think it's fair to say that sellers are incentivized</p> <p>9 to sell more, but we do have a cap of where you can</p> <p>10 receive a break.</p> <p>11 BY MS. DUVDEVANI:</p> <p>12 Q. What does that mean?</p> <p>13 A. It means that there's only, there's a ceiling in -- of</p> <p>14 how much fees you can have break -- have a break on</p> <p>15 your account.</p> <p>16 Q. And what's the ceiling?</p> <p>17 A. The lowest sell fee you can achieve is a six percent</p> <p>18 seller fee.</p> <p>19 Q. Can you elaborate a bit about that in terms of numbers</p> <p>20 and how that works?</p> <p>21 MR. FORD: Objection to the form.</p> <p>22 A. So any seller has the opportunity to move their seller</p> <p>23 fee by selling more or behaving with those</p> <p>24 behavior-based bonuses to go from ten percent seller</p> <p>25 fee down to six percent seller fee. And we have that</p>

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<p style="text-align: right;">Page 14</p> <p>1 based on our seller level, so if you are a brand new 2 seller and never sold anything today, you are 3 considered a Level 1 at a 10 percent rate and you have 4 all quarter to potentially reach that Level 5 status 5 which is 250 sales in a quarter. 6 But once you've reached Level 5, there's no 7 additional bonus. So you -- you can get to 5, and 8 once you get both bonuses, that's your cap 9 essentially. 10 BY MS. DUVDEVANI: 11 Q. You mentioned tooling as well, is that right, do I 12 remember that correctly? 13 A. That is correct. 14 Q. Okay. What does tooling mean? 15 A. We have a few products that sellers can use to more 16 efficiently manage their seller inventory. So one of 17 which is something called StockX Pro where, if you are 18 interested in using that tool, we can send you an 19 invitation link. It's just a URL to an adjacent site 20 of ours. 21 And then the second one is a recently 22 acquired tool called "Scout." And any seller can go 23 and use that. And it's essentially the same thing, 24 a -- almost like a record keeping of your sales and 25 the location of where you sold it, but it can sync to</p>	<p style="text-align: right;">Page 16</p> <p>1 handbags and other things, but those would be the -- 2 the main three. 3 BY MS. DUVDEVANI: 4 Q. And of those main three, do you know which are the 5 highest volume products that are sold by power 6 sellers? 7 A. Sneakers. 8 MR. FORD: Sorry. Objection to the form. 9 Just give me a second. 10 BY MS. DUVDEVANI: 11 Q. Okay. Any particular type of sneakers? 12 A. Any -- all brands really. It's hard to say. 13 Q. What's the highest selling brand of sneakers on 14 StockX? 15 MR. FORD: Object to the form. 16 A. I'm really not sure. I'm not sure. 17 BY MS. DUVDEVANI: 18 Q. Who would know the answer to that? 19 A. It would be our -- probably our BI team, essentially 20 our Data Analytics team. 21 Q. Are there documents that reflect the highest selling 22 categories of products and brands of products on 23 StockX? 24 MR. FORD: Objection to the form. 25 A. I'm not sure.</p>
<p style="text-align: right;">Page 15</p> <p>1 StockX and have your items listed on our platform. 2 Q. What do you mean by location of where you sold? 3 A. So in Scout, if you sold your item on StockX, for 4 example, it would record that it was sold to StockX 5 for that price and all the details. But if you 6 decided to sell it elsewhere, either another 7 marketplace or offline or at a -- to another person, 8 an individual, you can -- you can record where that 9 sale happened just for your records for -- for tax 10 purposes or reporting. 11 Q. What type of products do power sellers sell on the 12 platform? 13 MR. FORD: Objection to form. 14 A. We have, I believe, six different verticals and they 15 sell all, they can sell up to any and all products on 16 our site. 17 BY MS. DUVDEVANI: 18 Q. I understand that they can sell any products on your 19 site. 20 My question is what products do power 21 sellers actually sell on your site? 22 MR. FORD: Object to the form. 23 A. I would say the majority of the pow -- our existing 24 power sellers sell mostly sneakers, apparel, and 25 collectibles, while we also have electronics and</p>	<p style="text-align: right;">Page 17</p> <p>1 BY MS. DUVDEVANI: 2 Q. Okay. You mentioned Level 5 sellers. Is that 3 synonymous with power seller? 4 A. Yes. 5 Q. How many Level 5 sellers does StockX have at any given 6 time? 7 A. I think it's a -- we have quarterly resets, so I -- I 8 need, like, a specific time frame or if it's right 9 now, I can answer that. 10 Q. Let's start with right now. 11 A. We have approximately [REDACTED] global sellers. 12 Q. You have [REDACTED] Level 5 sellers that you also call 13 power sellers, is that fair? 14 MR. FORD: Objection to the form. 15 A. That's fair. 16 BY MS. DUVDEVANI: 17 Q. Okay. And those [REDACTED] sellers are all over the world, 18 is that right? 19 MR. FORD: Objection to the form. 20 A. Yes. 21 BY MS. DUVDEVANI: 22 Q. Are most of them in the United States? 23 MR. FORD: Objection to the form. 24 A. I would say -- I'm not sure of the exact breakdown, 25 but it's -- it's pretty balanced globally.</p>

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25 Q. You think so or you know so?

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24 were to provide it, but I wouldn't be able to know by
25 just recollection.

24 A. If I see where their -- the products that they're
25 selling and I see maybe a pattern of brand or style

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<p>1 Q. What type of request would you make of your data team 2 for that information?</p> <p>3 A. I would request, you know, what our, if I had to, or 4 what our, what brands are our sellers selling and what 5 inventory that they have currently listed.</p> <p>6 Q. And your data team would be able to provide that 7 information to you?</p> <p>8 A. Mm-hmm.</p> <p>9 Q. That's a yes?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. For the power sellers between fifty and a 12 thousand that we just talked about that have a high 13 volume of Nike and Jordan products, using the word 14 that you used before, do you have suspicions as to 15 where they got their products?</p> <p>16 MR. FORD: Objection to form.</p> <p>17 A. I think I'd like to clarify that number.</p> <p>18 BY MS. DUVDEVANI:</p> <p>19 Q. Sure.</p> <p>20 A. I don't know, I just really don't know how many. I 21 just know that a lot of sellers do sell Nike and 22 Jordan products. I just don't know the number.</p> <p>23 I'm sorry, what was your question? Can you 24 repeat it?</p> <p>25 Q. You mentioned that you have suspicions as to where</p>	<p>1 don't focus on it, that being, where their source is 2 because it doesn't matter to us where their source is 3 because we have that authentication process that we 4 are confident in.</p> <p>5 BY MS. DUVDEVANI:</p> <p>6 Q. How much do you know about the authentication process?</p> <p>7 MR. FORD: Objection to form.</p> <p>8 A. Very little. My job is really just to create the 9 customer experience for our sellers.</p> <p>10 BY MS. DUVDEVANI:</p> <p>11 Q. Okay. What is a -- strike that.</p> <p>12 I understand that StockX has pre-release 13 for certain products, is that right?</p> <p>14 MR. FORD: Objection to the form.</p> <p>15 A. Can you potentially clarify?</p> <p>16 BY MS. DUVDEVANI:</p> <p>17 Q. Sure.</p> <p>18 A. Yeah.</p> <p>19 Q. Well, do you know what I mean by "pre-release"?</p> <p>20 A. No.</p> <p>21 Q. Okay. Does StockX offer for sale products that have 22 yet to be released by the brand?</p> <p>23 MR. FORD: Objection to form.</p> <p>24 A. From my understanding, our Catalogue team adds 25 products to the site. I don't know when and why they</p>
Page 31	Page 33
<p>1 some of your power sellers get their products. I was 2 asking about your suspicions regarding the power 3 sellers that have high volumes of Nike and Jordan 4 products.</p> <p>5 MR. FORD: Objection to form.</p> <p>6 A. And what's the question?</p> <p>7 BY MS. DUVDEVANI:</p> <p>8 Q. The question is: Do you have suspicions as to where 9 any of those power sellers obtained their products?</p> <p>10 MR. FORD: Objection to form.</p> <p>11 A. I really don't know. I think "suspicion" may be the 12 wrong word because I, my team, personally, we have an 13 Authentication team that we are confident in, that 14 that is where we -- we don't ask where sellers get 15 their inventory, so we don't, it is not a talking 16 point or something that my team focuses on because we 17 know that every product will get checked anyway before 18 it gets sent to the buyer.</p> <p>19 BY MS. DUVDEVANI:</p> <p>20 Q. Why don't you ask your power sellers where they get 21 their inventory?</p> <p>22 MR. FORD: Objection to form.</p> <p>23 A. It's similar to what I -- I just said, I think, 24 because we have an authentication service that looks 25 at every item before it gets to a buyer. We really</p>	<p>1 add a product when a release is scheduled.</p> <p>2 BY MS. DUVDEVANI:</p> <p>3 Q. Are you ever involved in trying to locate high heat or 4 pre-release products from power sellers?</p> <p>5 MR. FORD: Objection to the form.</p> <p>6 A. Can you repeat the question?</p> <p>7 BY MS. DUVDEVANI:</p> <p>8 Q. Sure. Are you ever involved in trying to locate or 9 source high heat or pre-release products that StockX 10 wants to sell to consumers?</p> <p>11 MR. FORD: Objection to the form.</p> <p>12 A. I do not locate pre-release or high heat items before 13 release day.</p> <p>14 BY MS. DUVDEVANI:</p> <p>15 Q. What about after release day?</p> <p>16 MR. FORD: Same objection.</p> <p>17 A. When we think a big release is happening on our site, 18 we do like to communicate to our sellers that it's 19 coming up and it will be -- we would -- and would we 20 offer them any assistance in helping them with their 21 inventory that we want them to sell it on our site, 22 obviously, but I do not seek out particular inventory.</p> <p>23 BY MS. DUVDEVANI:</p> <p>24 Q. When you say that you do like to communicate to your 25 sellers that it's coming up and you'd offer them any</p>

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1 VIDEO TECHNICIAN: We are going off the
2 record, 10:54.
3 (Off the record at 10:54 a.m.)
4 (Back on the record at 11:08 a.m.)
5 VIDEO TECHNICIAN: Back on the record,
6 11:08.
7 MARKED FOR IDENTIFICATION:
8 DEPOSITION EXHIBIT 1
9 STX0143893-STX0143925
10 11:08 a.m.
11 BY MS. DUVDEVANI:
12 Q. All right, Mr. Amidon. The court reporter has just
13 handed you a document that's been designated as
14 Exhibit 1. Just for your own edification, when you
15 see STX with a number at the bottom, that means that
16 StockX produced this document.
17 A. Okay.
18 Q. You can take a look through any documents that I give
19 you to make sure you know what you are looking at
20 before I ask you any questions about it.
21 A. Okay.
22 Q. You're good?
23 A. I'm good.
24 Q. Do you know who Rami Odeh is? O-D-E-H?
25 A. I do.

1 BY MS. DUVDEVANI:
2 Q. When was the last time you saw this document?
3 A. I don't recall.
4 Q. Did you see this -- strike that.
5 What is this document?

[illegible]

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1 Q. Who is that?

2 A. He works on our Quality Assurance team that is under

3 our Operations team.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 BY MS. DUVDEVANI:

12 Q. Okay. Do you know who Marcus Moore is?

13 A. I don't.

14 Q. If you can turn to the page that's Bates stamped

15 STXO143896. Going up to the next page, 97, do you see

16 where Rami sends a screenshot image?

17 A. Oh, yeah. Yes.

18 Q. If we could just look at the larger version of that,

19 which is towards the back at 143917.

20 A. Yes.

21 Q. Do you see that?

22 A. I do.

23 Q. Have you seen this document before?

24 MR. FORD: Objection to the form.

25 A. Yes.

[illegible]

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<p>Page 42</p> <p>[REDACTED]</p>	<p>Page 44</p> <p>[REDACTED]</p>
<p>Page 43</p> <p>[REDACTED]</p>	<p>Page 45</p> <p>[REDACTED]</p>

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1 who also goes by 'Roy,' has stated to have reached out
2 to support channels but has been met with silence."

3 Do you see that?

4 A. I do.

5 Q. Okay. And then if you look above, Jacob adds a few
6 more people to the email chain. And among other
7 things, Jacob writes, "Andy, is it true that we
8 haven't responded to this CS contacts?"

9 A. I do.

10 Q. What does "CS" mean?

11 A. Customer Service.

12 Q. So what is this asking? That nobody responded to Roy?

13 MR. FORD: Objection to form.

14 BY MS. DUVDEVANI:

15 Q. I'll strike that.

16 Is -- as far as you understand, is Jacob
17 asking Andy whether it is true that StockX has not
18 responded to Roy's reach-out via Customer Service?

19 MR. FORD: Objection to form.

20 A. It appears that he as -- is asking Andy if it is true
21 that Roy's claim that he has been met with silence is is
22 true.

23 BY MS. DUVDEVANI:

24 Q. Okay. And then if you look at the page 772983, you
25 see that you are added, "Power buyer out of

Page 79

Page 81

1 California, so adding Russ for awareness." Do you see
2 that?

3 A. I do.

4 Q. And then looking up further in the email, there's a
5 response from Sean McCartney. Who is Shawn McCartney?

6 A. He is our leader of Operations -- he leads our
7 Operations team. I don't know his title off the top
8 of my head.

9 Q. And who is Beth Ann Calhoun?

10 A. She is one of the leaders in Customer Service.

7 Q. Do you have any recollection of what happened after
8 that email communication?

9 A. I do not.

10 MARKED FOR IDENTIFICATION:

11 DEPOSITION EXHIBIT 7

12 STX0772981-STX0772985

13 12:49 p.m.

14 BY MS. DUVDEVANI:

15 Q. Mr. Amidon, the court reporter has just handed you a
16 document designated as Exhibit 7. Take a look.

17 A. Okay.

18 Q. Who is Alana Meeks?

19 A. I do not know her, but I believe she's on our Social
20 Media team.

21 Q. Okay. So you see on the second-to-last page of this
22 email, Alana sends an email regarding an Instagram
23 post, right?

24 A. I do.

25 Q. Okay. And she writes, "Among other things, the user,

[illegible]

22 BY MS. DUVDEVANI:

23 Q. Do I need to ask Beth Ann Calhoun what she meant here,
24 or is there someone else that you think would know the
25 answer to my question?

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<p style="text-align: right;">Page 82</p> <p>1 MR. FORD: Objection to form.</p> <p>2 A. Since Beth Ann Calhoun is the leader in Customer</p> <p>3 Service, I would imagine she would know that answer.</p> <p>4 BY MS. DUVDEVANI:</p> <p>5 Q. Do you know what it means by "cases," when she says,</p> <p>6 "I have found three cases"?</p> <p>7 MR. FORD: Objection to form.</p> <p>8 A. I do. One case is a ticket submitted by a customer to</p> <p>9 our Customer Service team.</p> <p>10 BY MS. DUVDEVANI:</p> <p>11 Q. And "teammates," does that mean Customer Service</p> <p>12 teammates?</p> <p>13 MR. FORD: Objection to form.</p> <p>14 A. I'm not sure, but I would imagine so.</p> <p>15 BY MS. DUVDEVANI:</p> <p>16 Q. Okay. And "sitting in queue without answer," does</p> <p>17 that mean StockX has yet to respond to the ticket?</p> <p>18 MR. FORD: Objection to form.</p> <p>19 A. I'm not sure, but I would imagine that's what it</p> <p>20 means.</p> <p>21 BY MS. DUVDEVANI:</p> <p>22 Q. And looking at the page 772982, there is an email from</p> <p>23 Derrick Register from 5:46 p.m. on July 7th. Do you</p> <p>24 see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 bullet point that says, "Removing the social media</p> <p>2 post. The request was made verbally only."</p> <p>3 What does that mean?</p> <p>4 A. He made a public post about his inquiry, and I don't</p> <p>5 remember asking him to remove it. But I think that's</p> <p>6 what Derrick is referring to, is that there was a post</p> <p>7 about it on Instagram.</p> <p>8 Q. And the request was made verbally only, but you are</p> <p>9 saying you don't remember?</p> <p>10 A. I don't remember.</p> <p>11 Q. Okay. It also says, "removal of the social media post</p> <p>12 is also pending." Do you see that?</p> <p>13 A. Yeah.</p> <p>14 Q. This doesn't refresh your recollection at all about</p> <p>15 asking Roy Kim to remove his post?</p> <p>16 A. It does not.</p> <p>17 Q. Is there a reason that you are aware of that that</p> <p>18 would be written in these notes, were it not true?</p> <p>19 MR. FORD: Objection to form.</p> <p>20 A. I am not sure.</p> <p>21 BY MS. DUVDEVANI:</p> <p>22 Q. Underneath it, it says, "Requested that all 36</p> <p>23 sneakers be returned to Tempe for additional</p> <p>24 evaluation." Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Okay. So, he says, "team, please see the notes from</p> <p>2 the meeting earlier on the path forward." And you are</p> <p>3 listed as an attendee of that meeting.</p> <p>4 Do you recall that meeting?</p> <p>5 A. I do not.</p> <p>6 Q. You don't recall having a meeting in July of this</p> <p>7 year?</p> <p>8 MR. FORD: Objection to form.</p> <p>9 A. I do not.</p> <p>10 BY MS. DUVDEVANI:</p> <p>11 Q. Further down, in the recap of the meeting, it says,</p> <p>12 "We aligned on contacting the buyer to inquire -- to</p> <p>13 inquiry about the following," with your name.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know what that means?</p> <p>17 A. I do.</p> <p>18 Q. What does that mean?</p> <p>19 A. I contacted over the phone and spoke to Roy Kim. And</p> <p>20 because my role is working with customers, I tried to</p> <p>21 help resolve his inquiry, so we requested, or I</p> <p>22 requested that the sneakers be returned for additional</p> <p>23 evaluation and he agreed to return them and I believe</p> <p>24 he did return all 36.</p> <p>25 Q. Okay. And underneath your name, there is another</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. What's that mean?</p> <p>2 A. Because Roy -- Roy's post suggested that 36 items he</p> <p>3 received, he would like to be returned, so I asked him</p> <p>4 if he would like to return them to our nearest</p> <p>5 location, which was Tempe.</p> <p>6 Q. Okay. And then it says, "Customer agreed to return</p> <p>7 some of the sneakers but not all." Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And what does that mean?</p> <p>10 A. I do remember him stating that he would like to re --</p> <p>11 send back some of the sneakers but not all. But I do</p> <p>12 believe he did send all 36 back at a later date.</p> <p>13 Q. Okay. So you do remember the portion of the</p> <p>14 conversation regarding returning 36 sneakers, right?</p> <p>15 A. I do.</p> <p>16 Q. But you just don't remember asking Roy Kim to remove</p> <p>17 his social media post?</p> <p>18 A. I don't remember that part.</p> <p>19 MR. FORD: Objection to form.</p> <p>20 BY MS. DUVDEVANI:</p> <p>21 Q. Even though it's also written in these notes, right?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And then looking at the first page of this</p> <p>24 email, you see how there are suddenly a -- a lot of</p> <p>25 names at the top of this email, a lot of CCs, right?</p>

22 (Pages 82 - 85)

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<p style="text-align: right;">Page 86</p> <p>1 A. Yeah.</p> <p>2 Q. Who is Mark Porteus? I don't know if I'm saying that</p> <p>3 right.</p> <p>4 A. He's a team member on our Market Integrity team.</p> <p>5 Q. Okay. Do you know why all of these individuals were</p> <p>6 suddenly copied on this email?</p> <p>7 MR. FORD: Objection to form.</p> <p>8 A. I don't.</p> <p>9 BY MS. DUVDEVANI:</p> <p>10 Q. Do you know why it was redacted for privilege?</p> <p>11 MR. FORD: I'm going to direct the witness</p> <p>12 not to answer.</p> <p>13 BY MS. DUVDEVANI:</p> <p>14 Q. Do you know if any of the individuals listed at the</p> <p>15 top of STX0772981 are attorneys?</p> <p>16 A. There are a few names I do not recognize, so I'm not</p> <p>17 sure.</p> <p>18 Q. Do you have any recollection of previously being</p> <p>19 alerted if a StockX customer is posting on social</p> <p>20 media about being sold fake pairs of shoes?</p> <p>21 MR. FORD: Objection to form.</p> <p>22 A. Sorry, can you repeat the question?</p> <p>23 BY MS. DUVDEVANI:</p> <p>24 Q. Do you have any recollection of being alerted if a</p> <p>25 StockX customer is posting on social media about being</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I do.</p> <p>2 Q. But was that true?</p> <p>3 MR. FORD: Objection to form.</p> <p>4 A. I'm not sure if it was true.</p> <p>5 BY MS. DUVDEVANI:</p> <p>6 Q. And the last email that we just looked at, Mr. Amidon,</p> <p>7 it said on July 6th that your Customer Service</p> <p>8 representatives located three cases that have yet to</p> <p>9 be answered, right?</p> <p>10 MR. FORD: Objection to form.</p> <p>11 A. If I recall, it just said that there were three cases,</p> <p>12 but I don't, I didn't know what the other part of that</p> <p>13 meant.</p> <p>14 BY MS. DUVDEVANI:</p> <p>15 Q. Okay. Did you then call Roy Kim when he gave you his</p> <p>16 number?</p> <p>17 A. I did.</p> <p>18 Q. And what did you say to him and what did he say to</p> <p>19 you?</p> <p>20 MR. FORD: Objection to form.</p> <p>21 A. I spoke to him about his Instagram post and introduced</p> <p>22 who I was, this is the first time I spoke to him, and</p> <p>23 offered to assist in what he would like to proceed</p> <p>24 next with, and we discussed returning the shoes for</p> <p>25 further inspection.</p>
<p style="text-align: right;">Page 87</p> <p>1 sold fake pairs of shoes other than Roy Kim?</p> <p>2 MR. FORD: Objection to form.</p> <p>3 A. I don't remember specific instances.</p> <p>4 BY MS. DUVDEVANI:</p> <p>5 Q. Is this the only one you remember?</p> <p>6 A. This is the only one I remember.</p> <p>7 MARKED FOR IDENTIFICATION:</p> <p>8 DEPOSITION EXHIBIT 8</p> <p>9 STX00772942-STX0072945</p> <p>10 1:03 p.m.</p> <p>11 MS. DUVDEVANI:</p> <p>12 Q. Mr. Amidon, the court reporter just handed you a</p> <p>13 document that's been designated as Exhibit 8.</p> <p>14 A. Okay.</p> <p>15 Q. Do you recognize this document?</p> <p>16 A. I do.</p> <p>17 Q. When was the last time you saw this document?</p> <p>18 A. Yesterday.</p> <p>19 Q. Okay. On page 772944 you send an email to Roy on</p> <p>20 July 7th, 2022. Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. And you write, "Hey Roy, we saw your post and didn't</p> <p>23 see any inquiries sent to Customer Service about the</p> <p>24 issue. So I wanted to reach out and help."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 89</p> <p>1 BY MS. DUVDEVANI:</p> <p>2 Q. Anything else you remember about that conversation?</p> <p>3 A. I remember him being very pleasant and said that he</p> <p>4 would -- would like to send some sneakers back and</p> <p>5 would get back to me with how many labels he would</p> <p>6 need because he would prefer to send them in bigger</p> <p>7 boxes then -- rather than individual labels.</p> <p>8 Q. How many times have you spoken on the phone to</p> <p>9 Roy Kim?</p> <p>10 A. I believe twice.</p> <p>11 Q. Okay. So was that the first time that we just went</p> <p>12 over?</p> <p>13 A. Yes.</p> <p>14 Q. What was the second time?</p> <p>15 A. The second time was after we received the items back,</p> <p>16 I called him to tell them they were items that indeed</p> <p>17 should not have passed our authentication process and</p> <p>18 apologized for the inconvenience, told him that we</p> <p>19 would be refunding him for the product and I did offer</p> <p>20 him to come visit us in Detroit because he appeared to</p> <p>21 be a long-time customer.</p> <p>22 Q. When you told him that indeed they should not have</p> <p>23 passed authentication, did you mean they were fake?</p> <p>24 MR. FORD: Objection to form.</p> <p>25 A. I told him that they were at minimum a defect, and</p>

23 (Pages 86 - 89)

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<p style="text-align: right;">Page 90</p> <p>1 when I say "defect," I mean a -- a manufacturing</p> <p>2 defect and that they possibly could have been</p> <p>3 inauthentic and that was what I was told by our</p> <p>4 Authentication team.</p> <p>5 BY MS. DUVDEVANI:</p> <p>6 Q. Sorry. What were you told by your Authentication</p> <p>7 team?</p> <p>8 A. My Authentication team told me that they were, at</p> <p>9 minimum, defective, which is a manufacturing defect,</p> <p>10 and that it was possible that they were inauthentic,</p> <p>11 but we should not have passed them along to the buyer.</p> <p>12 Q. So your Authentication team did not know if they were</p> <p>13 fake or if they were a defect, is that right?</p> <p>14 MR. FORD: Objection to form.</p> <p>15 A. I'm not, as I mentioned before, I'm not the expert, so</p> <p>16 I was just relaying information.</p> <p>17 BY MS. DUVDEVANI:</p> <p>18 Q. But that's what you were told by your Authentication</p> <p>19 team?</p> <p>20 MR. FORD: Objection to form.</p> <p>21 A. Yes.</p> <p>22 BY MS. DUVDEVANI:</p> <p>23 Q. And I see that you, on the first page of the email,</p> <p>24 gave him, gave Roy Kim a \$500 code, is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. What are you able to do with that order number?</p> <p>2 A. I'm able to open it in our order management system and</p> <p>3 see more details into the order.</p> <p>4 Q. What kind of details can you see?</p> <p>5 A. I can see who the buyer is, who the seller is, and</p> <p>6 what the price was paid for it and breakdown of the --</p> <p>7 if there is any authentication failure, it would be</p> <p>8 listed in that order.</p> <p>9 Q. Does it also list the name of the authenticator?</p> <p>10 A. I'm not sure.</p> <p>11 Q. Are there any images of products in connection with</p> <p>12 the order number?</p> <p>13 MR. FORD: Objection to form.</p> <p>14 A. I think it depends on the order, but not every order.</p> <p>15 BY MS. DUVDEVANI:</p> <p>16 Q. Do you know what orders would have imagery?</p> <p>17 A. From my experience, typically, there are photos when</p> <p>18 an item fails verification, so the documentation is on</p> <p>19 the order, so it would be a unsuccessful order where</p> <p>20 there would be photos, from my experience.</p> <p>21 Q. What about videos? Were there ever any videos?</p> <p>22 A. I personally have not seen any videos.</p> <p>23 Q. Okay. So you write to Michael, "This shouldn't have</p> <p>24 been sent to you. This is one hundred percent fake</p> <p>25 and was supposed to be sent back to the seller once we</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. And what does that mean?</p> <p>2 A. That was a discount code to use for a future purchase</p> <p>3 and to apologize for the convenience.</p> <p>4 MR. FORD: Objection to form.</p> <p>5 BY MS. DUVDEVANI:</p> <p>6 Q. The inconvenience of being sold fake pairs of shoes?</p> <p>7 A. From my perspective, and what my job is, the</p> <p>8 inconvenience of potentially not responding to him,</p> <p>9 or -- and having him deal with the situation where he</p> <p>10 did not receive a good customer experience, so that is</p> <p>11 why I made the decision to -- to do that.</p> <p>12 Q. Okay.</p> <p>13 MARKED FOR IDENTIFICATION:</p> <p>14 DEPOSITION EXHIBIT 9</p> <p>15 ZK_NIKE_000812-ZK_NIKE_000813</p> <p>16 1:11 p.m.</p> <p>17 BY MS. DUVDEVANI:</p> <p>18 Q. Mr. Amidon, the court reporter has just handed you an</p> <p>19 exhibit designated -- strike that -- a document</p> <p>20 designated as Exhibit 9. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. On the first page of the document, Michael</p> <p>23 writes to you a number, do you see that, 734, et</p> <p>24 cetera? Do you know what that number is?</p> <p>25 A. That is a order number.</p>	<p style="text-align: right;">Page 93</p> <p>1 suspended and charged him. Our system looks like it</p> <p>2 generated your label instead."</p> <p>3 What -- can you explain what happened here?</p> <p>4 A. Sure. The item "Failed verification for the Reason</p> <p>5 Code: Fake," and it appears to be a logistical glitch</p> <p>6 or error, and instead of sending the product back to</p> <p>7 the seller, it was incorrectly sent to the buyer, in</p> <p>8 this case is Malekzadeh, and -- so it did not pass our</p> <p>9 verification and was more of a logistical error.</p> <p>10 Q. Do you know how Malekzadeh knew how to inquire about</p> <p>11 this order?</p> <p>12 MR. FORD: Objection to form.</p> <p>13 A. I do not.</p> <p>14 MARKED FOR IDENTIFICATION:</p> <p>15 DEPOSITION EXHIBIT 10</p> <p>16 ZK_NIKE_007784-ZZ_NIKE_007793</p> <p>17 1:16 p.m.</p> <p>18 BY MS. DUVDEVANI:</p> <p>19 Q. Mr. Amidon, the court reporter has just handed you a</p> <p>20 document designated as Exhibit 10.</p> <p>21 A. Okay.</p> <p>22 Q. The email that Michael sends you that you can see on</p> <p>23 the first page of the exhibit, are those numbers also</p> <p>24 purchase order numbers?</p> <p>25 A. They are.</p>

24 (Pages 90 - 93)

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Page 114

1 CERTIFICATE
2
3 STATE OF MICHIGAN
4 COUNTY OF OAKLAND
5 LORI ANN BALDWIN, a Notary Public in and
6 for the above county and state, do hereby certify that
7 this Videotaped deposition was taken before me at the
8 time and place hereinbefore set forth; that the
9 witness was by me first duly sworn to testify to the
10 truth; that this is a true, full and correct
11 transcript of my stenographic notes so taken to the
12 best of my skill and ability; and that I am not
13 related, nor of counsel to either party, nor
14 interested in the event of this cause.
15
16
17
18
19 *Lori Baldwin*
20
21 Lori Ann Baldwin, CSR-5207, RPR, CRR
22 Notary Public
23 Oakland County, Michigan
24 My commission expires: December 21, 2025
25

Page 115

1 ERRATA SHEET
2 VERITEXT/NEW YORK REPORTING, LLC
3
4 CASE NAME: Nike, Inc. v. Stockx, LLC
5 DATE OF DEPOSITION: November 30, 2022
6 WITNESS' NAME: Russell Amidon
7
8 PAGE/LINE(s)/ CHANGE REASON
9
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RUSSELL AMIDON

Subscribed and Sworn To
Before Me This ____ Day
of _____, 20 ____ .

Notary Public
My Commission Expires _____

30 (Pages 114 - 115)

Deposition Date: 11/30/2022**Deponent: Russell Amidon – Errata Sheet****Case Name: Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC) (SN)**

Page(s): Line(s)	Now Reads	Should Read	Reason
18:21-22	Brian Faulk (ph)	Bryan Fok	Typographical Error
18:22	Dyki (ph)	Daiki Ebi	Typographical Error
89:7	boxes then -- rather than individual labels.	boxes than -- rather than individual labels.	Transcription Error
105:5	item's are passing	items are passing	Transcription Error
106:5	but I'm not sure that would happen.	but I'm not sure when that would happen.	Transcription Error/Clarification
Passim	StockX, LLC	StockX LLC	Typographical Error

I, Russell Amidon, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on November 30, 2022; that I have made such corrections as appear noted herein; and that my testimony as contained herein, as corrected, is true and correct.

DATED this 4th day of January, 2023.

DocuSigned by:

Russ Amidon

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Russell Amidon